

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - NW/Corner Railway and Bethlehem Avenues (7100 Railway Avenue) 12th Election District 7th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 92-269-XA

Sally A. Testani
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception in which Petitioner requests permission for the owners of the subject property to reside in the proposed building, which will be used as a restaurant/tavern on the first floor, and a Petition for Zoning Variance from Section 409.6.A.1 and 2 to permit 12 parking spaces in lieu of the required 58, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Sally A. Testani, appeared, testified and was represented by George A. Breschi, Esquire. Numerous residents of the area also appeared and testified in support of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, known as 7100 Railway Avenue, consists of 13,500 sq.ft., zoned B.L. and is improved with a two story dwelling. Said property has been the site of a restaurant and bar, known as the Railway Inn, for at least 52 years. Petitioner purchased the subject property approximately 9 years ago. Testimony indicated that the building is old and has deteriorated to the extent that the Petitioner is desirous of razing the existing structure and constructing a new building in the location shown on Petitioner's Exhibit 1. Petitioner requests a special exception to permit the use of the second floor of the proposed

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By [Signature]

building as an apartment for the owners of the business. Testimony indicated that the Petitioner currently lives off-site and intends to sell her other house. Petitioner further testified that the apartment shall be occupied exclusively by the owners of the business only and shall not be rented out.

As to the parking variance requested, testimony indicated that the subject property as it currently exists has never had parking on site. Petitioner testified that the proposed plan will provide for 12 parking spaces in front of the new building and that landscaping will be added along Railway Avenue to screen parking from the road. Testimony indicated that most of the Petitioner's customers are local residents who walk to the site and that there have never been any problems with parking in the past.

Vera Winters, who resides across from the subject site, and Rudolf Sacchetti, who resides to the rear of the property, appeared and testified in support of the Petitioner's request. Both witnesses testified that the proposed project will only improve existing conditions at this location and ultimately be an asset to the community. Testimony indicated that the community as a whole supports the Petitioner's request as evidenced by numerous letters requesting approval of the relief requested, marked Petitioner's Exhibits 3A through 3Y. Further, Petitioner also submitted a letter of support from the Graceland Park Improvement Association, the local community association, marked Petitioner's Exhibit 4.

At the hearing, the Department of Traffic Engineering submitted comments relative to the proposed entrances to the subject site off of Railway Avenue and Bethlehem Avenue. Said comments indicated that the Railway Avenue entrance should be eliminated and the Bethlehem Avenue

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access widened to 24 feet. It was agreed that the Petitioner's Engineer would meet with Rahee J. Famili, the Traffic Engineering representative, to resolve their concerns and that a revised site plan would be submitted, if required.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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By [Signature]

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

It is to be noted that at the time of the hearing, there was no testimony or evidence submitted to indicate that the granting of the relief requested would result in any detriment or harm to the surrounding neighborhood. In fact, it was clear that the community is very much in favor of the proposed improvements, as evidenced by the many letters of support submitted. At the conclusion of the hearing, this Deputy Zoning Commissioner ruled from the Bench that the relief requested would be granted. However, subsequent to the hearing, this office received late comments from the Office of Planning in which they indicate their opposition to the relief requested. Because that agency's comments were received

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By [Signature]

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PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-269-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the owners of the business and property to live at the location pursuant to Section 230.13

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Sally A. Testani
Signature	[Signature]
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Address
George A. Breschi	Phone No.
(Type or Print Name)	City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
409 Washington Ave., Ste. 600	George A. Breschi
Address	409 Washington Ave., Ste. 600
Towson, MD 21204	Towson, MD 21204
City and State	296-6820
Attorney's Telephone No.: 296-6820	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County.

S.C.O.-No. 1

(over)

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Date 3/3/92
By [Signature]

after the hearing, they were not considered by me in rendering my decision in this case.

It should also be noted that this property was the subject of prior Case No. 86-14-SFH in which a nonconforming use of the property as a tavern was granted by the then Zoning Commissioner on August 30, 1985. Further, this site was subject to a rezoning issue during the 1988 comprehensive zoning process in which the Petitioner's request for a reclassification from D.R. 5.5 to B.L. was approved by the County Council.

Based upon the testimony and evidence presented, it is the opinion of this Deputy Zoning Commissioner, the relief requested meets the special exception requirements set forth above and will not result in any detriment to the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of March, 1992 that the Petition for Special Exception to permit the owners of the subject property to reside on the second floor of the proposed building, which will be used as a restaurant/tavern on the first floor, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 409.6.A.1 and 2 to permit 12 parking spaces in lieu of the required 58, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

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Date 3/3/92
By [Signature]

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioner shall obtain CRO approval and/or a waiver for the proposed development. Written documentation of such approval and/or waiver shall be submitted to this Office for inclusion in the case file prior to the issuance of any permits.

3) In the event a revised site plan is required, Petitioner shall submit a copy of same to this Office for inclusion in the case file prior to the issuance of any permits.

4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:djs

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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Date 3/3/92
By [Signature]

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Baltimore County Government
Zoning, Construction
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 3, 1992

George A. Breschi, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NW/Corner Railway and Bethlehem Avenues
(7100 Railway Avenue)
12th Election District - 7th Councilmanic District
Sally A. Testani - Petitioner
Case No. 92-269-XA

Dear Mr. Breschi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

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Date 3/3/92
By [Signature]

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-269-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section .409.6A1&2 to permit 12 parking spaces in lieu of the required 58 spaces.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. The requested variance is necessary due to the fact that the 58 spaces requested by law would cause an extreme hardship on the owner;
 2. That the requested spaces are not necessary for the operation of the business;
 3. That the variance requested would benefit the neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: _____
(Type or Print Name)

Signature _____
(Type or Print Name)

Address _____
City and State _____

Legal Owner(s):
Sally A. Testani
(Type or Print Name)

Signature _____
(Type or Print Name)

Address _____
City and State _____

Attorney for Petitioner:
George A. Breschi
(Type or Print Name)

Signature _____
Address 409 Washington Ave., Ste. 600
Townson, MD 21204
City and State _____
Attorney's Telephone No.: 296-5820

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
George A. Breschi
409 Washington Ave., Ste. 600
Townson, MD 21204 296-5820
Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 14 day of January, 1992, that the subject matter of this petition be advertised, as of 5:00 p.m., 1992, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock.

ORDER RECEIVED FOR FILING
Date 1/13/92
By [Signature]
Zoning Commissioner of Baltimore County.

(over)

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FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
201 EAST BRIDGEMAN, BEL AIR, MARYLAND 21014

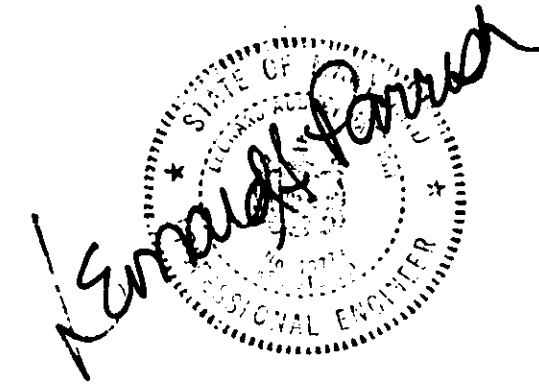
Description to Accompany
Petition for Zoning Variance
and Special Exception
Railway Inn

December 19, 1991

Beginning at a point located at the intersection of the North right-of-way line of Railway Avenue, and the East right-of-way line of Bethlehem Avenue, thence in a clockwise direction, (1) North 37° 47' West, 135.0 feet; (2) North 52° 23' East 100.0 feet, (3) South 37° 47' East, 135.0 feet and (4) South 52° 13' West, 100.0 feet to the point of beginning.

Containing .31 acres ±.

This description is for zoning purposes only, and not to be used for conveyances or agreements.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th
Posted for: [Signature]
Petitioner: Sally A. Testani
Location of property: [Signature]
Location of Signs: [Signature]
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: [Signature]

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8934
Dundalk, Md. 21222

January 30, 1992

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Case 92-269-XA - Notice of Hearing - P.O. #0116855 - Req. #M57340 - 60 lines @ \$20.00 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 31st day of January 1992; that is to say, the same was inserted in the issues of January 30, 1992.

Kimbel Publication, Inc.
per Publisher.
By [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD. 130 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 130 1992.

THE JEFFERSONIAN,
S. [Signature]
Publisher

\$ 39.76

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 1/13/92

Account: R 001:6150
Number

Number Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: _____

Sally A. Testani
7100 Railway Avenue
Dundalk, Maryland 21222

RE:
CASE NUMBER: 92-269-XA
MAC Railway Avenue and Bethlehem Avenue
7100 Railway Avenue
12th Election District - 7th Councilmanic
Petitioner(s): Sally A. Testani (Railway Inn)

Dear Petitioner(s):

Please be advised that \$ _____ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jarlow
DIRECTOR

cc: George A. Breschi, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JANUARY 21, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-269-XA
MAC Railway Avenue and Bethlehem Avenue
7100 Railway Avenue
12th Election District - 7th Councilmanic
Petitioner(s): Sally A. Testani (Railway Inn)
HEARING: TUESDAY, FEBRUARY 18, 1992 at 9:30 a.m.

Special Exception: For the owners of the business and property to live at the location.
Variance to permit 12 parking spaces in lieu of the required 58 spaces.

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Sally A. Testani
George A. Breschi, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 28, 1992

George A. Breschi, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 284, Case No. 92-269-XA
Petitioner: Sally A. Testani
Petition for Special Exception

Dear Mr. Breschi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: January 28, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Your petition has been received and accepted for filing this
8th day of January, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Breschi
Chairman,
Zoning Plans Advisory Committee

Petitioner: Sally A. Testani, et ux
Petitioner's Attorney: George A. Breschi

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

January 16, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #284, Zoning Advisory Committee Meeting of
January 21, 1992, Sally A. Testani, NWC Railway Avenue and
Bethlehem Avenue (#7100 Railway Avenue), D-12, Public Water
and Sewer

COMMENTS ARE AS FOLLOWS:

Prior to approval of a Building Permit for construction, renovation
and/or installation of equipment for any existing or proposed food service
complete plans and specifications must be submitted to the Plans Review
Section, Bureau of Regional Community Services, for final review and
approval.

Prior to razing of existing structure(s), petitioner must contact the
Division of Waste Management at 887-3745, regarding removal and/or disposal
of potentially hazardous materials and solid wastes. Petitioner must
contact the Bureau of Air Quality Management regarding removal of asbestos,
887-3775.

SSF:rmp

284.ZNG/GWRMP

RECEIVED
JAN 21 1992
ZONING OFFICE

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
(301) 887-4500

JANUARY 15, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SALLY A. TESTANI
Location: #7100 RAILWAY AVENUE
Item No.: 284 Zoning Agenda: JANUARY 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

REVIEWER: *[Signature]* Noted and
Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 28, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 21, 1992

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 282 and 283.

For Item 284, a County Review Group Meeting will be
required.

For Items 287 and 288, the previous County Review
Group Comments still remain valid.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: February 6, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Ralph J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 21, 1992
ITEM NUMBER: 284

- 1) The proposed access off Railway Avenue should be eliminated.
- 2) The proposed access off Bethlehem Avenue should be 24 ft. wide.
- 3) Every effort should be made to provide as many on-site parking spaces
as possible.
- 4) Based on the past experiences with this type of use, adequate on-site
parking is very important. Granting the requested parking variance is
likely to impact the community negatively. Therefore, we recommend
against granting the requested variance.

Ralph J. Famili
Ralph J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 10, 1992
Zoning Administration and
Development Management
FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning
SUBJECT: Railway Inn/Testani Property, Item No. 284

In reference to the applicant's request, the staff offers the
following comments:

-This project will require development plan review.

-A Special Hearing to determine a nonconforming use for the
tavern was approved by the Zoning Commissioner on August 30, 1985
(see No. 86-14 SPH).

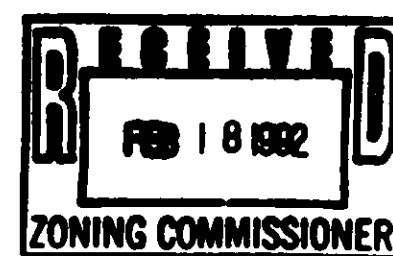
-In addition, this site was subject to a rezoning issue during
the 1988 Comprehensive Zoning Process. The request from DR 5.5 to
B.L. was approved by the County Council (see Issue No. 7-050).

The instant request concerns this office due to the site's
location in a predominately residentially zoned area. The inability
to provide on-site parking will negatively impact the residential
community in the event that the proposed use becomes an expansion of
what is currently a "neighborhood tavern."

Conversely, however, the proposal apparently has the support of
the Graceland Park Community Association, which immediately abutts
the tavern site.

Prior to any final determination, this office encourages the
Zoning Commissioner to review the Liquor Board files for Botteons,
Inc. (T/A Railway Inn).

In summation, staff opposes the variance on the grounds that a
tavern is often an incompatible use in a residential neighborhood.
Furthermore, the proposed expansion of the existing use is likely to
attract larger numbers of patrons from outside the immediate
neighborhood resulting in parking problems due to the site
constraints.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Vera Montero</i>	7012 Railway Ave 22
<i>Susan Gardner</i>	1422 S. Joppa Rd 21040
<i>LINDA BLACK</i>	2314 CHEVY AVE 21085
<i>Robert BLACK</i>	1506 Gessner Rd 21220
<i>Rudolph Sacchetti</i>	1508 Leslie Pl 21222
<i>DIANE McCue</i>	1703 Bethlehem Ave 21222
<i>Josephine Russell</i>	6803 Roberts Ave 21222
<i>DARROW M. DONARD</i>	1508 Ritz Rd 21222
<i>LEONARD THOMAS</i>	6709 Bessinger Ave 21222
<i>GERARD A. BAXTER</i>	7108 Railway Ave 21222
<i>Jim KLINE</i>	2215 N. W. St. Bn. An. 21014
<i>NICK CONNORARI</i>	G.W. STEPHENS
	3410 Woodstock Ave 21213

Graceland Park
Improvement Association

1203 Bethlehem Ave. Baltimore, Maryland 21222
633-8941 284-6506

PETITIONER'S
EXHIBIT 4

Zoning Commissioner for
Baltimore County

RE: Railway Inn
Special Exception and
Zoning Variance

Dear Mr. Commissioner:

This is to advise you that I Edward J. Gorman
live at 725 Kavanagh Rd. Baltimore 21222
My address is within 9 blocks of the Railway Inn at 7100
Railway Avenue.

I am familiar with the Special Exception request and Zoning
Variance and I am in favor of the Petitions and would request that they
be granted. I believe it would increase the property values.

I do not believe there would be a parking problem.

I have known Albert and Sally Tstani 9 years.

Thank you.

PETITIONER'S
EXHIBIT 3A-2Y

Zoning Commissioner for
Baltimore County

RE: Railway Inn
Special Exception and
Zoning Variance

Dear Mr. Commissioner:

This is to advise you that I James J. Gorman
live at 725 Kavanagh Rd. Baltimore 21222
My address is within 9 blocks of the Railway Inn at 7100
Railway Avenue.

I am familiar with the Special Exception request and Zoning
Variance and I am in favor of the Petitions and would request that they
be granted. I believe it would increase the property values.

I do not believe there would be a parking problem.

I have known Albert and Sally Tstani 8 years.

Thank you.

James J. Gorman

Zoning Commissioner for
Baltimore County

RE: Railway Inn
Special Exception and
Zoning Variance

Dear Mr. Commissioner:

This is to advise you that I Mary D. Yeager
live at 7836 Sandy Rd blocks of the Railway Inn at 7100
My address is within 9 blocks of the Railway Inn at 7100
Railway Avenue.

I am familiar with the Special Exception request and Zoning
Variance and I am in favor of the Petitions and would request that they
be granted. I believe it would increase the property values.

I do not believe there would be a parking problem.

I have known Albert and Sally Tstani 9 years.

Thank you.

Mary D. Yeager

Zoning Commissioner for
Baltimore County

RE: Railway Inn
Special Exception and
Zoning Variance

Dear Mr. Commissioner:

This is to advise you that I Robert Black 202-7940
live at 1908 Galt Rd blocks of the Railway Inn at 7100
My address is within 3 blocks of the Railway Inn at 7100
Railway Avenue.

I am familiar with the Special Exception request and Zoning
Variance and I am in favor of the Petitions and would request that they
be granted. I believe it would increase the property values.

I do not believe there would be a parking problem.

I have known Albert and Sally Tstani 9 years.

Thank you.

Robert Black

Zoning Commissioner for
Baltimore County

RE: Railway Inn
Special Exception and
Zoning Variance

and

Dear Mr. Commissioner:

This is to advise you that I Robert Black
live at 1908 Galt Rd blocks of the Railway Inn at 7100
My address is within 3 blocks of the Railway Inn at 7100
Railway Avenue.

I am familiar with the Special Exception request and Zoning
Variance and I am in favor of the Petitions and would request that they
be granted. I believe it would increase the property values.

I do not believe there would be a parking problem.

I have known Albert and Sally Tstani 9 years.

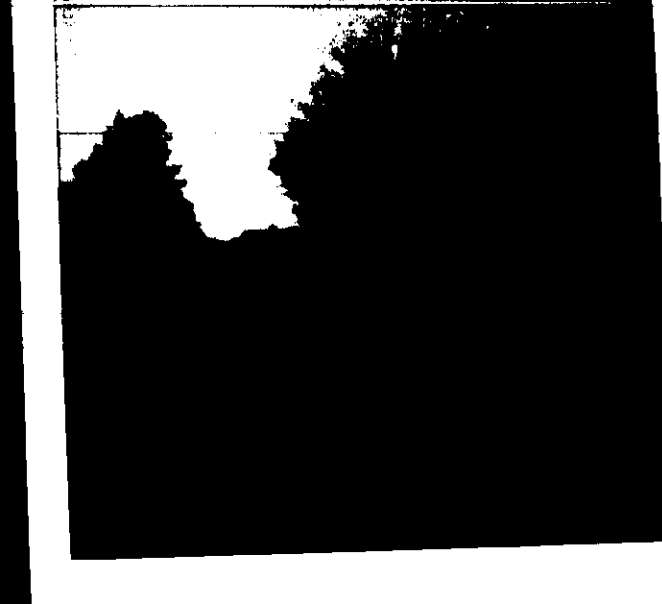
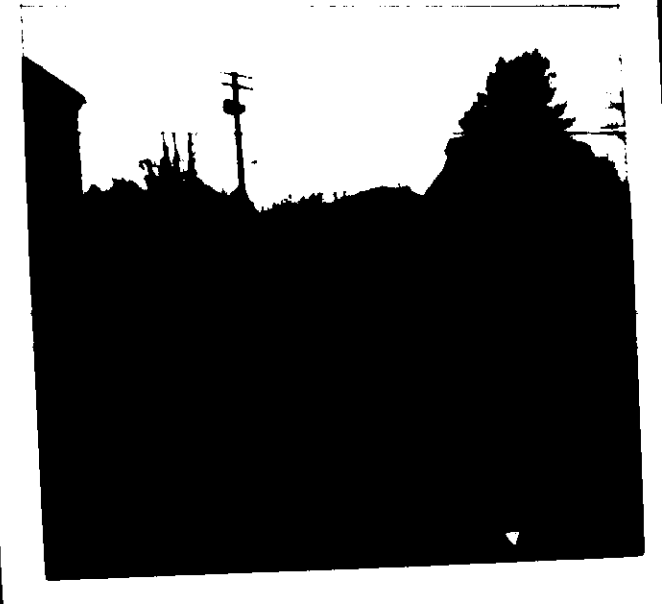
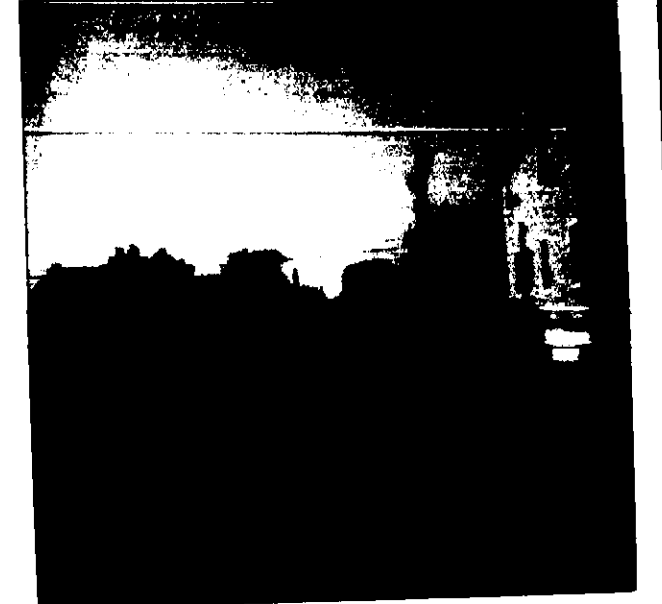
Thank you.

at and Zoning
request that they
be granted.

and Zoning
request that they
be granted.

9 years

Robert Black



1

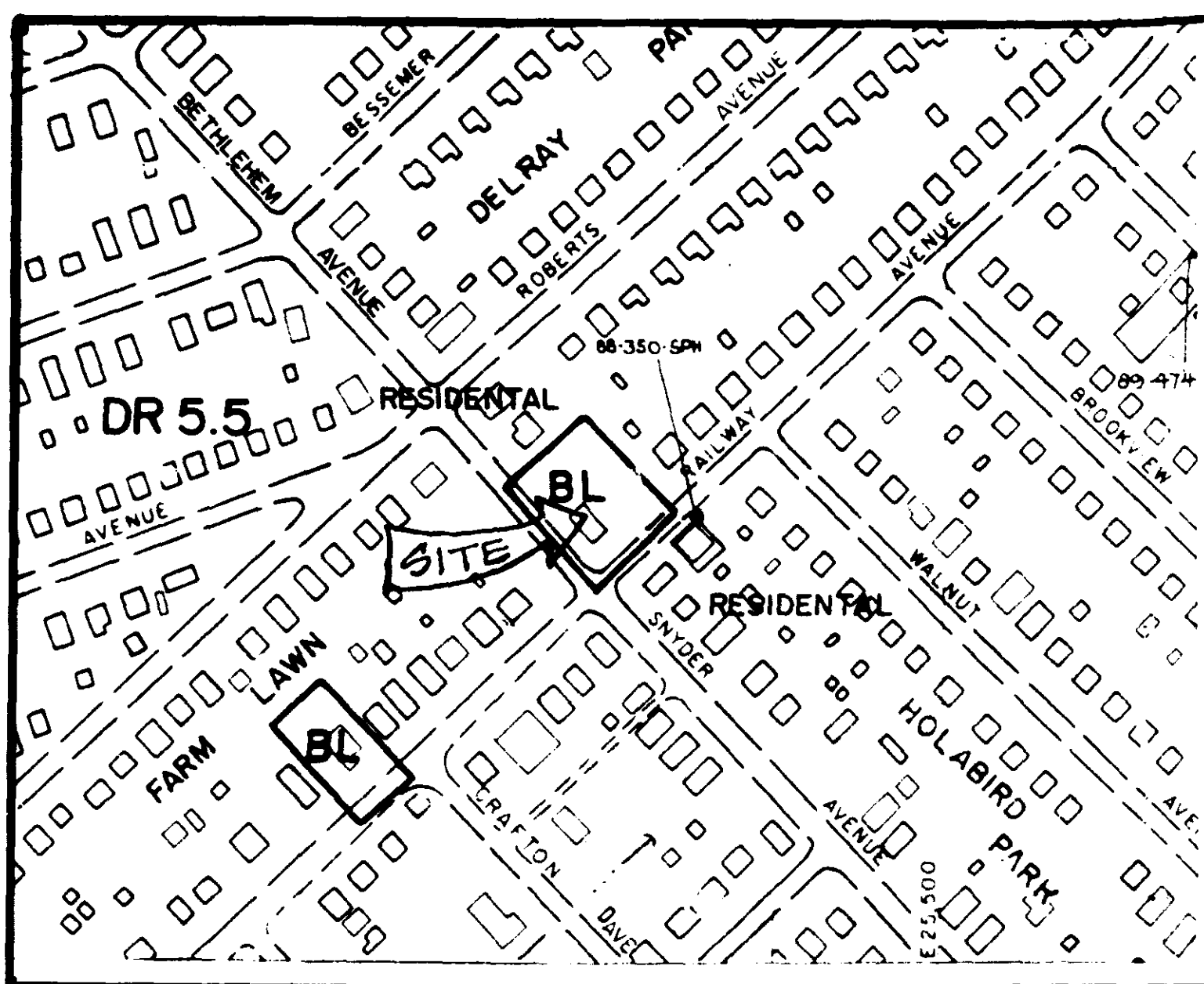
2

3

4

5

Petitioner's
Exhibits 3A-2Y
Photos 1-5
Photographs in
Case 92-269-XA



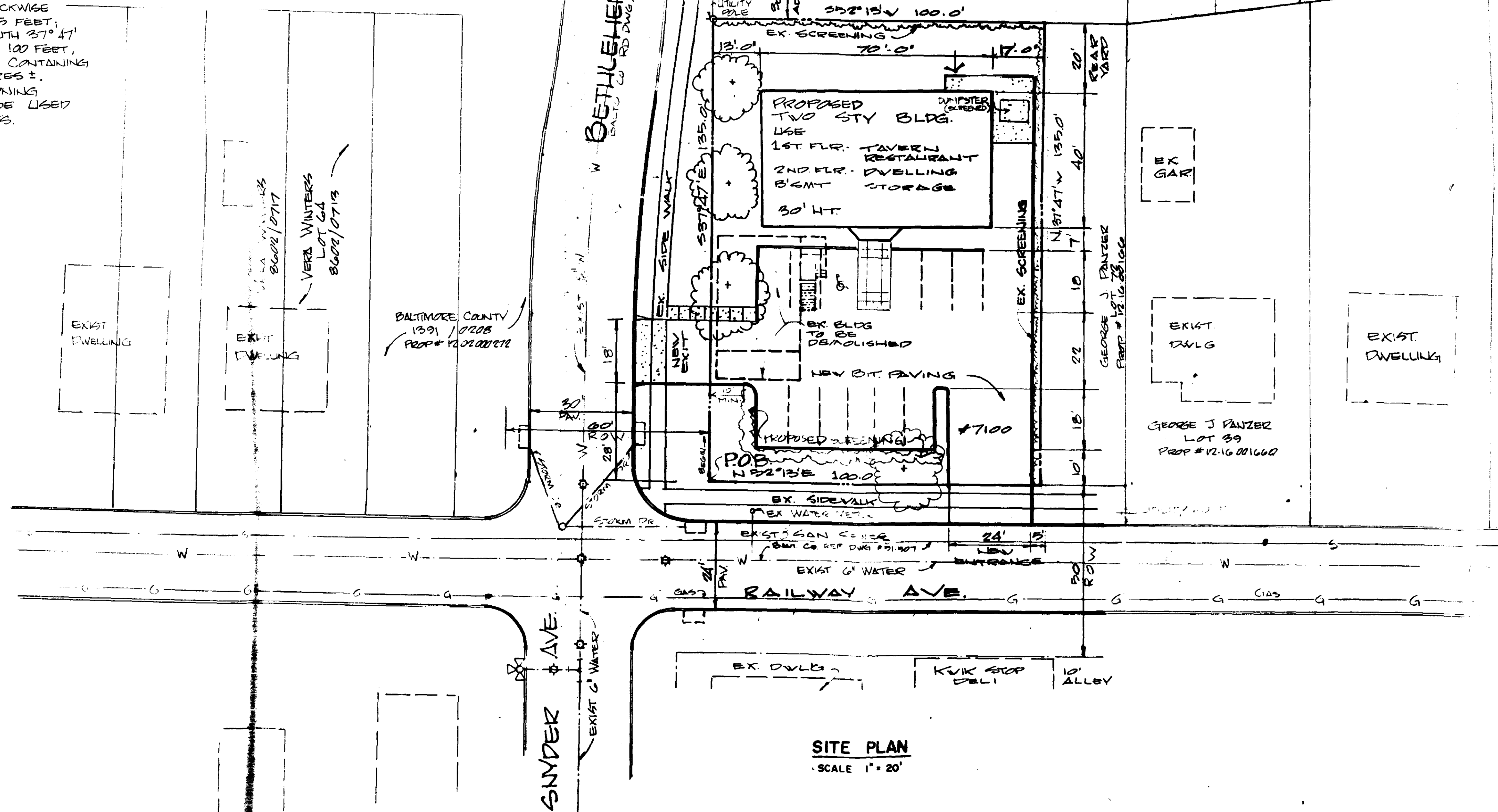
1988 COMPREHENSIVE ZONING MAP

SCALE 1" = 200' REFERENCE TO SITE 36.2 E

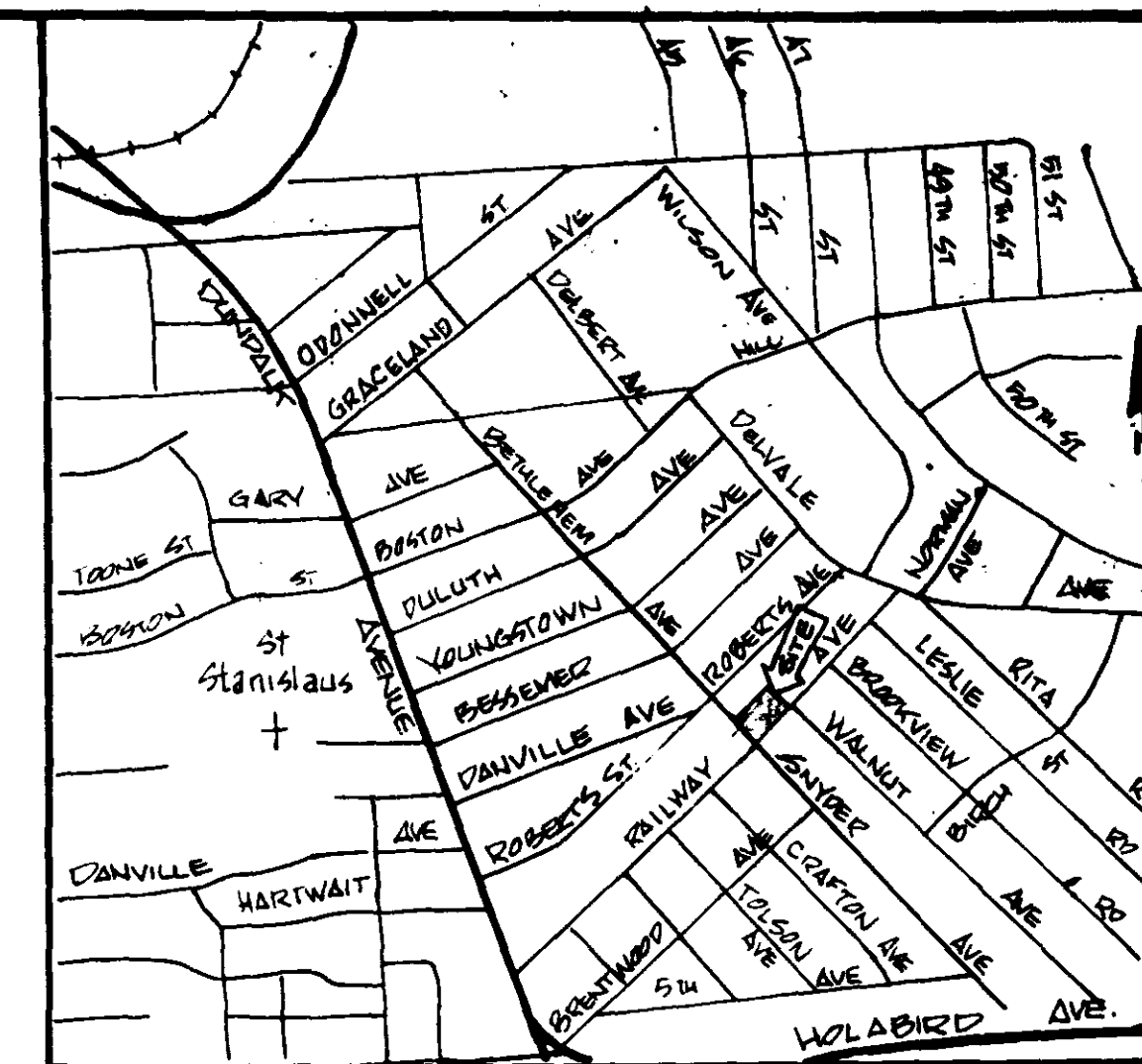
DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL EXCEPTION

FROM THE POINT OF BEGINNING AT THE INTERSECTION OF THE NORTH SIDE OF RAILWAY AVE. AND THE EAST SIDE OF BETHLEHEM AVE. THENCE IN A CLOCKWISE DIRECTION NORTH 31°47' WEST, 135 FEET; NORTH 52°13' EAST, 100 FEET; SOUTH 37°47' EAST, 135 FEET; AND SOUTH 52°13' WEST, 100 FEET, BACK TO THE POINT OF BEGINNING; CONTAINING 13,500 SQ. FT. OF AREA OR .31 ACRES ±.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY, AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.



SITE PLAN
SCALE 1" = 20'



LOCATION MAP
SCALE 1" = 1000'

GENERAL NOTES

1. ALL SIGNS SHALL CONFORM TO BALT. CO ZONING REGULATIONS (BUSINESS LOCAL)
2. S.W.M. WAIVER TO BE APPLIED FOR
3. THE SITE WILL BE LANDSCAPED & SCREENED IN ACCORDANCE WITH BALTIMORE COUNTY'S LANDSCAPE MANUAL

SITE DATA

1. TOTAL LOT AREA = 13,500 SF.
2. EXISTING ZONING BL BUSINESS LOCAL
3. FAR PERMITTED = 3.0
4. FAR PROPOSED (AGFA = 20,000 sq ft / 3,600 sq ft = .27)
5. GROSS FLOOR AREA PROPOSED 5600 SF
6. PARKING REQUIRED @ 20 CARS 1000 SF.
1ST FLOOR = 2800 SF = 56 CARS
2ND FLOOR = RESIDENCE = 2 CARS
TOTAL REQD = 58 CARS
PARKING PROVIDED = 12 CARS
7. ELECTION DISTRICT = 12
8. COUNCILMANIC DISTRICT = 7
9. DEED REFERENCE = 5732/1944
PROP # 12.02.059860
10. EXISTING USE OF SITE: TAVERN / DWELLING
11. FROM THE POINT OF BEGINNING, THE PROPERTY CORNER IS 45' FROM THE E INTERSECTION OF SNYDER AVE. AND RAILWAY AVENUE.

92-269-XA

PETITIONER'S EXHIBIT 1

PRINT DATE
DEC 19 1991

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
203 E. BROADWAY
BAL AIR, MARYLAND 21014
DRAWN BY: WRK

OWNER / DEVELOPER
BOTTEONS INC.
RAILWAY INN
7100 RAILWAY AVE
DUNDALK, MD 21222

PETITION FOR:
VARIANCE FROM PARKING REGULATIONS SECTION 409.6 A-2 SPECIAL EXCEPTION FOR LIVING QUARTERS IN A COMMERCIAL BUILDING SECTION 230.13

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL EXCEPTION

RAILWAY INN
7100 RAILWAY AVE.
DUNDALK MD. 21222
BALT. CO. MD.
SCALE 1" = 20'-0"
ELECT. DIST. 12
DATE: 12-19-91